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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

EBAY INC., ) Case No. 08-4052  
vs. )  
Plaintiff, ) [Proposed]  
vs. ) ORDER DISMISSING FIRST AMENDED  
DIGITAL POINTS SOLUTIONS, INC., ) COMPLAINT OF EBAY, INC.  
SHAWN HOGAN; KESSLER'S FLYING )  
CIRCUS; THUNDERWOOD HOLDINGS, )  
INC.; TODD DUNNING; DUNNING )  
ENTERPRISES, INC.; BRIAN DUNNING; )  
BRIANDUNNING.COM; and DOES 1-20, )  
Defendants. )  
Date: December 12, 2008  
Time: 9:00 a.m.  
Ctrm: 3 - Hon. Jeremy Fogel presiding

The Motions of Defendant Kessler's Flying Circus, Todd Dunning, Dunning Enterprises, Inc., Brian Dunning, Thunderwood Holdings, Inc. and BrianDunning.com, to Dismiss Plaintiff's First Amended Complaint, came on for hearing on December 12, 2008. The parties

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appeared through their respective attorneys of record. The Court read and considered the papers on file and considered the arguments of counsel and on good cause appearing therefore,

IT IS HEREBY ORDERED that the Motions are GRANTED.

IT IS FURTHER ORDERED that the First Amended Complaint is hereby dismissed.

Dated:

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Jeremy Fogel  
United States District Judge